

Serial No. 09/929,142  
Docket No. YOR920010068US1  
YOR.270

### REMARKS

Claims 1-6, 15, 17-30, 32-38 and 41 are all of the claims presently pending in the application. Claims 7-14, 16, 31, 39 and 40 have been canceled without prejudice or disclaimer. Claims 1 and 15 have been amended to more clearly define the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-19, 31-35, 37 and 38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chefalas et al. (U.S. Patent Application Publication No. 2002/0138786) (hereinafter "Chefalas").

Applicants appreciate the Examiner's indication that claims 20-30 are allowed and that claims 36 and 39-41 would be allowable if rewritten in independent form. However, Applicants respectfully submit that all of claims 1-41 are allowable.

That is, Chefalas does not teach or suggest "*discriminating, by said computer, between a hardware-induced problem or outage and a software-induced problem or outage in the computer system based on said indicators*" as recited in claim 1 and similarly in claims 7, 11, 15, 20, 29 and 31.

However, merely in an effort to speed prosecution, and to place the Application in condition for immediate allowance, Applicants have incorporated the allowable subject

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matter of claim 40 into independent claim 1, incorporated the allowable subject matter of claim 39 into independent claim 15, and canceled claims 7-14, 16, 31, 39 and 40.


Applicants expressly maintain the right to file a Continuation Application directed to the subject matter of the canceled claims.

In view of the foregoing, Applicants submit that claims 1-6, 15, 17-30, 32-38 and 41, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview. The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510

Respectfully Submitted,

Date: August 18, 2005



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**FACSIMILE TRANSMISSION**

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2113,  
at (571) 273-8300, on August 18, 2005.

Respectfully Submitted,

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